



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 May 2008

10032/08

**Interinstitutional File:
2008/0018 (COD)**

**MI 166
ENT 109
CONSUM 58
SAN 106
ECO 66
CODEC 675**

INFORMATION NOTE

from : General Secretariat

to : Delegations

Subject : Proposal for a Directive of the European Parliament and of the Council on the safety of toys

Delegations will find attached an Information Note from the Commission services on above subject which is on the agenda of the Competitiveness Council on 29 - 30 May under "Any other business".

Competitiveness Council on 29 May 2008

Information Note to Ministers

Revision of the Toys Safety Directive

Objective

The overall objective of the Commission proposal for a revised Regulation on the Safety of Toys (TSD) is to enhance the level of safety of toys while maintaining and improving the smooth functioning of the Internal Market for toys. A thorough revision of the TSD is appropriate, with a view to achieving the following specific objectives:

- Updating and completing the existing provisions to address safety issues that were unknown at the time of the TSD adoption;
- Improving the implementation and enforcement of the TSD throughout the European Union;
- Clarifying the scope and concepts of the Directive;
- Ensuring consistency with the general measures that have been tabled in the general legislative framework for the marketing of goods¹.

General Context and current situation

The safety of toys is currently regulated by Directive 88/378/EEC which has in general proven successful in providing both free circulation of toys in the Internal Market and a uniform level of toy safety across the EU. However, over time a number of problems regarding the optimal functioning of the Directive have been identified and need to be remedied.

Some aspects of toys safety are also governed by the General Product Safety Directive. The revision aims at clarifying the relationship of the two Directives.

Related European Commission activities

The Commission proposal integrates the measures that have been tabled in the general legislative framework for marketing of goods mentioned above.

¹ Proposal for a Regulation on accreditation and market surveillance; COM(2007)37 final of 14/02/2007. Proposal for a Decision on a common framework for the marketing of goods; COM (2007) 53 final of 14/02/2007.

Public stakeholder consultation

In accordance with the principles of better regulation, a public stakeholder consultation on the draft proposal took place during spring 2007, and the public consultation confirmed the need to revise the Directive and, in particular, to improve its enforcement and implementation and to clarify its scope and concepts.

Simplification

The proposal fits into the Community policy of better regulation and simplification. The overall goal is to improve the quality and efficiency of the toy safety regulations and to simplify the current legislation for both economic operators and market surveillance authorities.

Impact assessment

The Commission carried out an impact assessment to evaluate the costs and benefits of several possible scenarios, with different levels of stringency. The selection of the most appropriate scenarios has been made taking into account the benefits to health and safety of children, both in short and medium/long term, and cost of the measures to economic operators and to public authorities.

Conclusion

The proposed Commission Directive follows the principles of better regulation and simplification while ensuring the functioning of internal market for toys and a high level of safety of children's toys.
